

IC 5-14-4

Chapter 4. Public Access Counselor

IC 5-14-4-1

"Counselor" defined

Sec. 1. As used in this chapter, "counselor" refers to the public access counselor appointed under section 6 of this chapter.

As added by P.L.70-1999, SEC.4 and P.L.191-1999, SEC.4.

IC 5-14-4-2

"Office" defined

Sec. 2. As used in this chapter, "office" refers to the office of the public access counselor established under section 5 of this chapter.

As added by P.L.70-1999, SEC.4 and P.L.191-1999, SEC.4.

IC 5-14-4-3

"Public access laws" defined

Sec. 3. As used in this chapter, "public access laws" refers to:

- (1) IC 5-14-1.5;
- (2) IC 5-14-3; or
- (3) any other state statute or rule governing access to public meetings or public records.

As added by P.L.70-1999, SEC.4 and P.L.191-1999, SEC.4.

IC 5-14-4-4

"Public agency" defined

Sec. 4. As used in this chapter, "public agency" has the meaning set forth in:

- (1) IC 5-14-1.5-2 for purposes of matters concerning public meetings; and
- (2) IC 5-14-3-2 for purposes of matters concerning public records.

As added by P.L.70-1999, SEC.4 and P.L.191-1999, SEC.4.

IC 5-14-4-5

Establishment of office

Sec. 5. The office of the public access counselor is established. The office shall be administered by the public access counselor appointed under section 6 of this chapter.

As added by P.L.70-1999, SEC.4 and P.L.191-1999, SEC.4.

IC 5-14-4-6

Appointment; term

Sec. 6. The governor shall appoint a public access counselor for a term of four (4) years at a salary to be fixed by the governor.

As added by P.L.70-1999, SEC.4 and P.L.191-1999, SEC.4.

IC 5-14-4-7

Removal for cause

Sec. 7. The governor may remove the counselor for cause.

As added by P.L.70-1999, SEC.4 and P.L.191-1999, SEC.4.

IC 5-14-4-8

Vacancies in office

Sec. 8. If a vacancy occurs in the office, the governor shall appoint an individual to serve for the remainder of the counselor's unexpired term.

As added by P.L.70-1999, SEC.4 and P.L.191-1999, SEC.4.

IC 5-14-4-9

Requirements for position

Sec. 9. (a) The counselor must be a practicing attorney.

(b) The counselor shall apply the counselor's full efforts to the duties of the office and may not be actively engaged in any other occupation, practice, profession, or business.

As added by P.L.70-1999, SEC.4 and P.L.191-1999, SEC.4.

IC 5-14-4-10

Powers and duties

Sec. 10. The counselor has the following powers and duties:

(1) To establish and administer a program to train public officials and educate the public on the rights of the public and the responsibilities of public agencies under the public access laws. The counselor may contract with a person or a public or private entity to fulfill the counselor's responsibility under this subdivision.

(2) To conduct research.

(3) To prepare interpretive and educational materials and programs in cooperation with the office of the attorney general.

(4) To distribute to newly elected or appointed public officials the public access laws and educational materials concerning the public access laws.

(5) To respond to informal inquiries made by the public and public agencies by telephone, in writing, in person, by facsimile, or by electronic mail concerning the public access laws.

(6) To issue advisory opinions to interpret the public access laws upon the request of a person or a public agency. However, the counselor may not issue an advisory opinion concerning a specific matter with respect to which a lawsuit has been filed under IC 5-14-1.5 or IC 5-14-3.

(7) To make recommendations to the general assembly concerning ways to improve public access.

As added by P.L.70-1999, SEC.4 and P.L.191-1999, SEC.4.

IC 5-14-4-11

Additional personnel

Sec. 11. The counselor may employ additional personnel necessary to carry out the functions of the office subject to the approval of the budget agency.

As added by P.L.70-1999, SEC.4 and P.L.191-1999, SEC.4.

IC 5-14-4-12

Annual report by counselor

Sec. 12. The counselor shall submit a report in an electronic format under IC 5-14-6 not later than June 30 of each year to the legislative services agency concerning the activities of the counselor for the previous year. The report must include the following information:

- (1) The total number of inquiries and complaints received.
- (2) The number of inquiries and complaints received each from the public, the media, and government agencies.
- (3) The number of inquiries and complaints that were resolved.
- (4) The number of complaints received about each of the following:
 - (A) State agencies.
 - (B) County agencies.
 - (C) City agencies.
 - (D) Town agencies.
 - (E) Township agencies.
 - (F) School corporations.
 - (G) Other local agencies.
- (5) The number of complaints received concerning each of the following:
 - (A) Public records.
 - (B) Public meetings.
- (6) The total number of written advisory opinions issued and pending.

As added by P.L.70-1999, SEC.4 and P.L.191-1999, SEC.4. Amended by P.L.28-2004, SEC.58.

IC 5-14-4-13

Statute of limitations

Sec. 13. An informal inquiry or other request for assistance under this chapter does not delay the running of a statute of limitation that applies to a lawsuit under IC 5-14-1.5 or IC 5-14-3 concerning the subject matter of the inquiry or other request.

As added by P.L.70-1999, SEC.4 and P.L.191-1999, SEC.4.